



United States v. Michael T. Rand, Case No. 3:10-cr-182-RJC, and Michael T. Rand v. United States, Case No. 3:17-cv-687-RJC.

After transfer to this district, the United States Attorney for the Western District (“USAO”) assumed representation of Defendants. The USAO explains in its response to Plaintiff’s motion that, at that time, the Assistant United States Attorney assigned to the case had no connection to this case, the prior FOIA requests, or any prior case relating to Plaintiff. After transfer, Plaintiff moved to re-open the case, Doc. No. 35, which in effect was a motion to end the stay, despite ongoing work by Defendants to respond to Plaintiff’s remaining FOIA requests. That motion is pending.

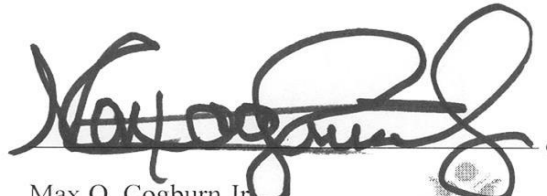
Since then, Plaintiff filed the pending motion, which asserts that “[t]he [AUSA] currently assigned to represent the Defendants in this FOIA litigation is employed by the same U.S. Attorney’s Office that Plaintiff has asserted committed the Brady and other constitutional violations,” Doc. No. 38, ¶ 2, in an “underlying matter,” Doc. No. 38, ¶ 1. According to Plaintiff, “[t]his situation presents a significant conflict of interest, as the AUSA may have divided loyalties between defending their (sic) office, complying with FOIA obligations, and complying with several ethical rules and guidelines.” Doc. No. 38, ¶ 3. Plaintiff cites in furtherance of this proposition ABA Model Rule 1.7, the Justice Manual § 1-4.000, and 28 C.F.R. § 45.2.

The motion is **DENIED** for the reasons stated in the Government’s brief. That is, Plaintiff simply does not state sufficient grounds to show a conflict of interest in this matter.

### **ORDER**

Plaintiff’s pro se Motion for Judicial Review of Conflict of Interest, (Doc. No. 38), is **DENIED**.

Signed: December 10, 2024

  
Max O. Cogburn Jr.  
United States District Judge